

REMARKS

Claims 1-89 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 121

The Office Action requires a restriction to one of the following sets of claims:

- I. Claims 1-12, 20-31, 34-47, 54, 55-59, 60-74, 82-89, allegedly drawn to session/connection parameter setting and classified in class 709, subclass 228;
- II. Claims 13-18, 32, 48-53, 75-80, allegedly drawn to parsing, syntax analysis, and semantic analysis and classified in class 717, subclass 143;
- III. Claims 19, 33, 54, 81, allegedly drawn to network resource access controlling and classified in class 709, subclass 229.

In response to the Restriction Requirement, Applicants elect invention I, claims 1-12, 20-31, 34-47, 54, 55-59, 60-74, and 82-89, **with traverse**.

For restriction to be proper, the Examiner must apply a two-pronged test. First, the inventions must be distinct. Second, the existence of multiple allegedly distinct inventions must present an undue burden on the Examiner. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. See MPEP § 803.

Applicants respectfully disagree with the classification of the alleged inventions. Class 705 is defined as ELECTRICAL COMPUTERS AND DIGITAL PROCESSING SYSTEMS: MULTICOMPUTER DATA TRANSFERRING OR PLURAL PROCESSOR SYNCHRONIZATION. Subclass 228 is defined as session/connection parameter setting. The definition of subclass 228 states:

Subject matter further comprising means or steps for establishing at least one operational parameter for transferring data for a session or connection between the computers (e.g., protocol, address, or rate selection).

(1) Note. Classification herein is proper if establishing the operational parameter involves transferring data between two or more computers which process data pertaining to the parameters of the transfer connection or the processing session in order to determine the operating mode for one or more of the computers which will be connected to, or engage in a processing session with, another computer.

(2) Note. The operating mode established by the data processing operation herein is transient (i.e., the operating parameters are used by the computers for only the established connection or session and must be reestablished for a different processing session or connection).

None of the alleged inventions have specific features that transmit data pertaining parameters of the transfer connection or the processing session in order to determine the operating mode for one or more computers. In fact, Applicants assert that all of the alleged inventions may instead be classified in class 709, subclass 227, because all three of the alleged inventions concern creating a session connection between computers.

On the other hand, class 717 is defined as DATA PROCESSING; SOFTWARE DEVELOPMENT, INSTALLATION, AND MANAGEMENT. Subclass 143 is defined as parsing, syntax analysis, and semantic analysis. The definition of class 717, subclass 143 states, "[s]ubject matter including means or steps for analyzing program code text to determine whether the program code conforms to grammatic rules of the programming language." While independent claims 13, 32, 48, and 75 recite the word "parsing," the recited features of claims 13-18, 32, 48-53, and 75-80 are not specifically directed to means or steps for analyzing program code text to determine whether the program code conforms to grammatic rules of the programming language. Class 717, subclass 143, is more suited for inventions that are concerned with parsing algorithms that endeavor to achieve more efficient or effective results. However, claims 13-18, 32, 48-53, and 75-80 may be more concerned with satisfying a request for a cookie file for a particular user, which would be more appropriately classified in class 709, subclass 227.

Furthermore, class, 709, subclass 229 is defined as network resource access controlling. The definition of class 709, subclass 229 states, "[s]ubject matter further comprising means or steps for controlling or limiting access by computers on a network to resources on the network (e.g., trusted third party authentication)." Applicants agree that alleged invention III should properly be classified in class 709, subclass 229, because claims 19, 33, 54, and 81 recite features that concern using cookies to access Web sites. However, alleged invention I also recites that cookies are to access Web sites and, thus, also concern network resource access controlling.

Because the alleged inventions may be classified in the same class and subclass(es), the inventions have not acquired a separate status in the art and restriction is not proper. Certainly, a competent search of invention I would encompass the subject matter of inventions II and III. Similarly, a competent search of invention II would encompass the subject matter of inventions I and III. Also, a competent search of

invention III would certainly encompass the subject matter of inventions I and II. Thus, examining all of the alleged inventions would not present an undue burden on the examiner.

For the above reasons, Applicants respectfully request withdrawal of the restriction requirement.

II. Conclusion

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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